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Fresh Impetus for West African Drug Policy

Opportunities for New Partnerships in the Wake of UNGASS

Judith Vorrath

Almost two decades after the proclamation of the goal of a “drug-free world”, the global illicit drug trade is flourishing. The markets and routes, however, are constantly changing, confronting countries and regions with an array of new challenges. West African countries in particular are no longer merely transit zones for cocaine or heroin. Yet they played virtually no role in the preparations for the Special Session of the United Nations General Assembly on the World Drug Problem (UNGASS) in late April 2016. Nonetheless, the UNGASS process has injected fresh momentum into the drug policy debate within the region. This offers starting points for new partnerships, particularly with Europe, since various West African countries and organizations have moved closer to the EU’s comparatively progressive drug policy position. For genuine change, however, there needs to be not only a shift away from the still predominantly repressive approaches applied by national governments in West Africa, but also a rethink of European security sector programmes.

In the past 10 years, the drug problem in West Africa has mainly captured international attention due to the increased trafficking of South American cocaine through the region on the way to Europe. Although the quantities seized in West Africa have decreased since peaking in 2007, the estimated market value was still USD 1.25 billion in 2013. And as the West Africa Commission on Drugs pointed out in its 2014 report, the problem is not confined to the transit of cocaine. The United Nations Office on Drugs and Crime (UNODC) also states that the trade is now more firmly

rooted in the region itself and that consumption of hard drugs is increasing, although reliable figures are rarely available. Alongside the widespread cultivation of cannabis and, according to estimates, the above-average levels of consumption of this drug in the region compared with the rest of the world, there are indications that in some West African countries, methamphetamine is increasingly being produced for the Asian market. Furthermore, in some places a strong protection economy for drug kingpins has emerged, allowing them to operate to a large extent with impunity.

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The Special Session of the United Nations General Assembly on the World Drug Problem (UNGASS) on 19–21 April 2016 therefore provided an opportunity for, inter alia, a review of the region's policies.

A breath of fresh air in the region's drug policy debate

The UN General Assembly's review of international drug policy, initially scheduled only for 2019, was based on an initiative by Colombia, Guatemala and Mexico. The African countries played a fairly minor role in this process. Granted, the African Union produced a Common African Position (CAP) for UNGASS, which advocates for a balanced and integrated approach, with a stronger focus on public health issues in drug policy. However, this position barely featured in the negotiations on the draft of the UNGASS outcome document conducted by the Commission on Narcotic Drugs in Vienna, largely because very few African countries are represented there. Indeed, South Africa presented a far more restrictive and, in many respects, inconsistent position on behalf of the Africa Group.

On the face of it, the situation in West Africa seems to be similarly entrenched. Most strategies for managing the drug problem are repressive and heavy-handed, relying primarily on criminal justice, with consequences that are all too familiar. Besides having negative impacts on health, this approach overstretchers already weak justice systems without effectively combating organized crime. That was one of the reasons why, in 2014, the WACD called for a focus on prevention, public health, decriminalization of drug possession for personal use, and a reform and harmonization of the region's drug laws on the basis of minimum standards.

In fact, the preparations for UNGASS 2016 in West Africa have created some impetus in this direction. In January 2016, representatives of governments, national law enforcement agencies and civil society from 11 West African countries met for a

two-day workshop in Accra, where they adopted a Communiqué on a West African Common Position towards UNGASS. Although not an official document, it sets out a clear commitment to harm reduction programmes, including facilitating access to health care in prisons and promoting alternative non-custodial sentencing mechanisms for minor non-violent drug-related offences. It also advocates for balance and proportionality in drug demand and supply policies, as well as for a public health and human rights perspective in addition to a criminal justice approach. In view of the otherwise fairly tough stance adopted by some governments represented at the Accra workshop, the core elements of this position are surprisingly progressive. Although it does not signal a radical change of drug policy course, it is a breath of fresh air in the region's reform debate. What's more, many of the policy approaches now being officially promoted in countries such as Ghana are broadly compatible with the European Union's position for UNGASS 2016, offering new starting points for co-operation. Nonetheless, there are still major obstacles to a reform of drug policy in West Africa.

Continuity in criminal justice and border security in West Africa

Although there is a new dynamic, no coherent trend can be identified within the region. The current shifts in position are mainly rhetorical, while in reality, there is a continued focus on repression. Even laws adopted fairly recently, such as the Controlled Drugs and Substances Act in Liberia, criminalize drug use and introduce stiff penalties for drug dealing, with little differentiation between the types of offences – contrary to the recommendations of the WACD and the Global Commission on Drug Policy. This reinforces the impression that the West African model is based on tough penalties for drug users and small-time dealers, in some cases coupled with aggressive strategies against drug production,

similar to the approach adopted in the “war on drugs”. Considering the additional problems of corruption and patronage systems, this means that “the small fry is caught while the big fish swim free,” to quote Olu-segun Obasanjo, the former President of Nigeria who currently chairs the West Africa Commission on Drugs (WACD).

There is another aspect to be considered as well. The debate about a reform of drug policy in West Africa has so far focused on the demand side: in other words, on the individual countries’ response to drug use, and on national policy and law. But numerous international initiatives have been launched to curb the smuggling of hard drugs through West Africa. In their attempts to disrupt supply and transit routes, external actors mainly rely on stronger border controls and improved (trans-) regional cooperation. With the EU’s Cocaine Route Programme, for example, the European Commission is helping to build drug interdiction capacities at selected international airports in nine West African countries and improve national and international information-sharing. These measures, which are being implemented by UNODC in collaboration with Interpol and the World Customs Organization (WCO), also include joint activities such as COCAIR IV in 2013, a nine-day operation in which, according to Interpol, nearly 100 seizures were made at 30 international airports across Africa. UNODC and WCO have also launched a joint Global Container Control Programme at various ports, which involves the establishment of “joint multi-agency port control services” in countries including Benin, Cape Verde, Ghana, Senegal and Togo. The West Africa Coast Initiative (WACI), also co-funded by the EU and implemented by UNODC and others, aims to improve national and transnational coordination in the fight against organized crime by establishing Transnational Crime Units in five West African countries initially.

Many EU member states and other donors are supporting capacity building measures and promoting regional coopera-

tion along land borders as well. For countries in Europe, it generally makes sense to curb drug flows close to the European markets, where the price effect is potentially greater than can be achieved through measures in the drug cultivation areas, for example. The success of these strategies is usually measured in terms of the number of arrests and the quantity of drugs seized. However, these metrics tell us very little about the impacts of the measures on the drug trade, largely because the seizure of some consignments and the arrest of couriers or mules cannot be equated with the crushing of the criminal networks. Moreover, the smaller quantities of drugs being seized may simply reflect a change in traffickers’ strategies or routes within or outside the region. Whether or not they achieve measurable successes, international efforts are likely to adhere to their present course for the foreseeable future, not only for the purpose of deterrence but also because measures to improve border security and regional cooperation presumably dovetail with other interests, such as anti-terrorism, in West Africa. Nonetheless, there are various starting points for a reform of drug policy.

Time for new partnerships

Although the Special Session of the UN General Assembly in New York did not result in any substantial changes in international drug policy, a more flexible approach to its implementation can be expected in the future. Despite the much-discussed risk of fragmentation, there are also opportunities for new partnerships. The EU Action Plan on Drugs 2013–2016 identifies West Africa as one priority region, and the more open debate in West Africa resulting from the UNGASS preparations has at least increased the overlaps with the EU position. In promoting more intensive cooperation, three priorities should be set.

Firstly, what is needed is a more balanced approach with a stronger focus on

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public health, development, and respect for human rights, already emphasized in the March 2016 draft of the UNGASS outcome document. If these are not simply to remain paper commitments, pledges of funding are required to support the relevant actions. But while donors are quite willing to provide money for programmes in the security and justice sectors, it is far more difficult to mobilize funds for prevention and treatment of drug abuse and its health implications. Here, the Sustainable Development Goals (SDGs), particularly “the prevention and treatment of substance abuse” (SDG 3.5.), can generate additional momentum. Health programmes in particular should not be implemented separately from, but should be integral to, a national drug strategy, such as Nigeria’s National Drug Control Master Plan (2015–2019), which has been adopted with support from the EU. This at least envisages a balance between criminal justice and demand reduction through prevention and sensitization, treatment and other health measures.

Secondly, policy improvements should not only supplement but should also include criminal justice and security approaches. Until now, international efforts have largely bypassed – and in some cases have actually worsened – the core problems affecting criminal justice in West Africa. Capacity building may be important but addresses neither the criminalization of drug users or the disproportionate sentences more generally nor the problems associated with rampant protection economies and impunity of kingpins. Western European countries have amassed considerable experience with decriminalization and alternatives to criminal justice. This should feature more prominently in the cooperation with West Africa, especially since some of the region’s countries are now more open to such approaches. At the very least, security and justice programmes should include elements which aim to achieve more transparency and oversight within the system in order to minimize human rights abuses and other harm. Approaches of this type

already exist to some extent, however, mainly on the margins of project activities. Otherwise, there is a risk that West Africa will gain little from the UNGASS process apart from an intermittently stronger focus on the health aspects of the drug problem and perhaps some alternative development programmes as the lowest common denominator. That does not constitute a reform of drug policy. Measures such as those implemented under the Joint UNODC-WHO Programme on Drug Dependence Treatment and Care may be a start, but without a genuinely integrated approach, they will not be sustainable in the long term.

Thirdly, the militarization of drug policy in West Africa must be avoided. Some of the profits from the drug trade do in fact benefit groups which are increasingly providing armed protection for drug trafficking in the Sahel-Sahara region. Nevertheless, any blurring of drug policy and the anti-terror agenda is likely to increase violence, especially since the security forces are competitors in the protection economy in some cases. The creation of synergies between efforts to combat terrorism, organized crime and drug trafficking through better border security and more regional cooperation – an approach whose benefits were reiterated by the UN Security Council when it extended the mandate for the UN mission in Mali in June 2015 – is by no means automatic. A more sensible approach must surely be based on enhanced border management, aimed at increasing the presence of state actors but also involving nearby communities, as envisaged, for example, by the Border Management & Border Communities project initiated by the UN Development Programme for the Sahel G5 countries.